

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAVIER CESARIO and
FERNANDO MARTINEZ,

Plaintiffs,

V.

BNI CONSTRUCTION, INC.,
MIKIAL ABDUR-RAHIM and
MUSA LAST NAME UNKNOWN,

Defendants.

Case No. 07 Civ. 8545 (LLS)

REQUEST TO ENTER DEFAULT OF DEFENDANTS

TO THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK:

Plaintiffs Javier Cesario and Fernando Martinez respectfully request that the default of defendants BNI Construction, Inc., Mikial Abdur-Rahim and Musa Last Name Unknown (collectively, “Defendants”) for failure to plead or otherwise defend in a timely manner be entered on the docket pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Local Civil Rule 55.1 of this Court.

This request is based on the Declaration of Kerin E. Coughlin filed herewith, which shows that:

1. Defendants BNI Construction, Inc., Mikial Abdur-Rahim and Musa Last Name Unknown were served with the Summons and Complaint on October 25, 2007, October 30, 2007, and December 28, 2007, respectively.
2. The proofs of service filed with this Court on November 2, 2007 and January 3, 2008 establish that service on Defendants was proper pursuant to Rule 4(e)(1) of the Federal Rules of Civil Procedure. Filed copies of the proofs of service are attached to the Declaration of Kerin E. Coughlin as Exhibits A, B and C.
3. Defendants have failed to plead or otherwise respond to the Summons and Complaint.
4. The applicable time limits for Defendants to respond to the Complaint have expired.

5. Defendant BNI Construction, Inc. is a domestic business corporation incorporated in the State of New York with its principal place of business in New York, New York.

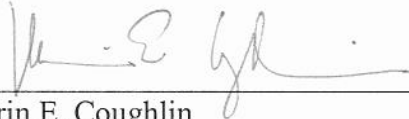
6. Defendants Mikial Abdur-Rahim and Musa Last Name Unknown are not infants or incompetent people.

7. Defendants Mikial Abdur-Rahim and Musa Last Name Unknown are not in the military service.

Dated: February 7, 2008

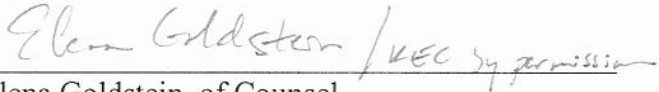
CONSTANTINE CANNON LLP

By: _____


Kerin E. Coughlin
450 Lexington Avenue, 17th Floor
New York, New York 10017
(212) 350-2700

**YISROEL SCHULMAN
NEW YORK LEGAL ASSISTANCE GROUP**

By: _____


Elena Goldstein, of Counsel
450 West 33rd Street, 11th Floor
New York, New York 10001
(212) 613-5024

Attorneys for Plaintiffs